

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIO SANDOVAL,

Plaintiff,

v.

RALPH M. DIAZ, et al.,

Defendants.

No. 1:20-cv-01374-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 26)

Plaintiff Julio Sandoval (“plaintiff”) is a state inmate proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Plaintiff’s claims arise from a prison courtyard fight in which plaintiff alleges that he was attacked and later falsely reported to be the aggressor by other inmates and prison personnel. Based upon those allegations plaintiff asserts claims that prison officials violated his constitutional rights by filing a false rules violation report and by failing to protect plaintiff from the other inmate(s) involved in the courtyard altercation. Plaintiff’s original complaint and first amended complaints were both found to violate Federal Rule of Civil Procedure 8(a).

On May 7, 2020, the assigned magistrate judge entered findings and recommendations recommending that this action be dismissed due to plaintiff’s further failure to comply with Federal Rule of Civil Procedure 8(a) and failure to state a claim. (Doc. No. 26.) This conclusion

1 was based on the fact that plaintiff's Second Amended Complaint ("SAC") was found to be "a
2 long narrative consisting of opaque factual allegations" that "repeatedly fails to connect [] factual
3 allegations to the claims [plaintiff] is attempting to bring." (*Id.* at 9.) Further, the magistrate
4 judge concluded that plaintiff's SAC did not adequately allege facts sufficient to bring either a
5 false rules violation claim or a failure to protect claim.

6 Plaintiff was provided an opportunity to file objections to the findings and
7 recommendations within twenty-one (21) days. (*Id.*) On June 1, 2021, plaintiff filed objections
8 to the findings and recommendations along with a motion requesting a stay of these proceedings
9 because plaintiff argued that he needed more time to copy his exhibits in support of his
10 objections. (Doc. Nos. 28, 29.) The assigned magistrate judge entered an order on June 3, 2021,
11 construing the motion as a request for an extension of time to respond to the findings and
12 recommendations and directing plaintiff to file any exhibits in support of his objections within
13 thirty days. (Doc. No. 30.) On June 3, 2021, plaintiff filed further objections to the findings and
14 recommendations. (Doc. No. 31.) Plaintiff's objections repeat his legal claims but do not address
15 or remedy the shortcomings of his filing as described in the findings and recommendations.

16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B), this court has conducted a
17 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
18 objections, the court finds the findings and recommendations to be supported by the record and
19 by proper analysis.

20 Accordingly,

- 21 1. The findings and recommendations entered May 7, 2021 (Doc. No. 26) are adopted in
22 full;
- 23 2. This case is dismissed with prejudice due to plaintiff's failure to comply with Federal
24 Rule of Civil Procedure 8 and failure to state a claim; and
- 25 3. The Clerk of the Court is directed to assign a district judge to this case for the purpose
26 of closing the case and then to close this case.

27 IT IS SO ORDERED.

28 Dated: November 22, 2021


UNITED STATES DISTRICT JUDGE